

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Breillatt et al.  
Serial No.: Unknown  
Filed: 23 January 2004  
For: A Method of Making a Filter Assembly Having a Flexible Housing

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE: "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV31755955105 in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Judith Dunaway

Type or print name of person mailing paper

Date: 26 January 2004

(Signature of person mailing paper)

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

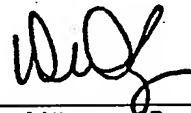
**COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 10/084,605 FILED 27 FEBRUARY 2002 OR GRAND PARENT APPLICATION SERIAL NO. 10/055,862 FILED 23 JANUARY 2002 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.**

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 26 January 2004

Reg. No. 29,243

Telephone No.: (262) 783-1300



\_\_\_\_\_  
Signature of Attorney of Record

Daniel D. Ryan

\_\_\_\_\_  
Type or Print Name of Attorney of Record

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**Post Office Box 26618**

**Milwaukee, Wisconsin 53226-0618**

<b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. <b>F-5421 CON B CON DIV</b>	SERIAL NO.
	APPLICANT <b>Breillatt et al.</b>	
	FILING DATE	GROUP

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,157,967	6/12/79	Meyst et al.			
	5,527,472	6/18/96	Bellotti et al.			
	5,180,504	1/19/93	Johnson et al.			
	4,170,056	10/9/79	Meyst et al.			
	4,193,876	3/18/80	Leeke et al.			
	4,211,825	7/8/80	Shipman			
	4,234,026	11/18/80	Bayham			
	4,235,233	11/25/80	Mouwen			
	4,240,481	12/23/80	Bayham			
	4,268,338	5/19/81	Peterson			
	4,305,443	12/15/81	Bayham			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		0684867		EP			
		0155055		EP			
		0365676		EP			
		0516846		EP			
		0526678B1		EP English Translation			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Excerpts from Opposition involving EP 684,867 (European Counterpart of Lynn US 5,591,337) including (1) Notice of Opposition; (2) Response to Opposition; (3) Statement Replying to Response; (4) Reply to Statement in Response; and (5) Opposition Decision.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,380,484	4/19/83	Repik et al.			
	4,417,753	11/29/83	Bacehowski et al.			
	4,425,177	1/10/84	Shinno			
	4,460,366	6/17/84	Shinno			
	4,482,585	11/13/84	Ohodaira et al.			
	4,507,123	3/26/85	Yoshida			
	4,539,793	9/10/85	Malek			
	4,707,402	11/17/87	Thorsrud			
	4,770,295	9/13/88	Carveth et al.			
	4,857,129	8/15/89	Jensen et al.			
	4,863,603	9/5/89	Lehmann et al.			

### FOREIGN PATENT DOCUMENTS

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,892,537	1/9/90	Carmen et al.			
	4,892,603	1/9/90	Lustig et al.			
	4,892,604	1/9/90	Measells et al.			
	4,894,107	1/16/90	Tse et al.			
	4,900,389	2/13/90	Schnell et al.			
	4,950,347	8/21/90	Futagawa			
	5,066,290	11/19/91	Measells et al.			
	5,225,014	7/6/93	Ogata et al.			
	5,306,269	4/26/94	Lewis et al.			
	5,316,678	5/31/94	Heaslip			
	5,360,498	11/1/94	Blomqvist et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		155 003		EP			

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,435,878	7/25/95	Delmar et al.			
	5,449,428	9/12/95	Desmarais et al.			
	5,575,880	11/19/96	Strassberg			
	5,591,337	1/7/97	Lynn et al.			
	5,683,768	11/4/97	Shang et al.			
	5,728,249	3/17/98	Kinsey, Jr. et al.			
	5,728,306	3/17/98	Breillatt, Jr. et al.			
	5,736,719	4/7/98	Lawson et al.			
	5,853,577	12/29/98	Gizowski et al.			
	5,858,016	1/12/99	Bacehowski et al.			
	5,976,300	11/2/99	Buchanan et al.			

### FOREIGN PATENT DOCUMENTS

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,032,807	3/7/00	Sternberg et al.			
	4,025,618	5/24/77	Garber et al.			
	4,066,556	1/3/78	Vaillancourt			
	4,437,472	3/20/84	Naftulin			
	4,493,705	1/15/85	Gordan et al.			
	4,954,251	9/4/90	Barnes et al.			
	5,190,657	3/2/93	Heagle et al.			
	3,747,769	7/24/73	Brumfield			
	5,688,460	11/18/97	Ruschke			
	5,556,541	9/17/96	Raabe et al.			
	5,507,904	04/1996	Fisher et al.			
	6,251,292	06/26/2001	Zuk Jr.			
	6,168,718	01/02/2001	Sutter et al.			
	5,707,520	01/13/1998	Kuroki et al.			
	6,015,500	01/18/2000	Zuk Jr.			
	5,902,490	05/11/1999	Zuk Jr.			
	5,779,902	07/14/1998	Zuk Jr.			
	5,472,605	12/05/1995	Zuk Jr.			
	4,148,732	04/10/1979	Burrow et al.			
	6,274,055	08/14/2001	Zuk Jr.			
	5,476,587	12/19/1995	Kuroki et al.			
	6,010,633	01/04/2000	Zuk Jr. et al.			
	5,489,385	2/6/96	Raabe et al.			

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	4,900,441	2/13/90	Graus et al.			
	5,507,904	4/16/96	Fisher et al.			
	5,591,337	1/7/97	Lynn et al.			
	4,113,627	9/12/78	Leason			
	4,997,577	3/5/91	Stewart			
	5,724,988	3/10/98	Dennechey et al			
	3,506,130	4/14/70	N. Shave			
	4,798,578	1/17/89	Ranford			
	4,466,888	8/21/84	Verkaart			
	4,976,851	12/11/90	Tanokura et al.			
	5,601,730	2/11/97	Page et al.			

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		WO 95/17237	12/20/94	PCT			
		EP 0 526 678 A1	1991	EP			
		EP 0 679 490 A2	1994	EP			
		EP 0 614 675 A1	1994	EP			
		EP 0 328 038 A2	1989	EP			

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	5,580,349	12/3/96	Thor et al.			
	5,420,962	5/30/95	Bakke			
	5,269,924	12/14/93	Rochat			
	5,049,146	9/17/91	Bringham et al.			
	4,767,541	8/30/88	Wisdom			
	5,055,198	10/8/91	Shettigar			
	5,772,880	6/1998	Lynn et al.			
	4,997,577	3/1991	Stewart			
	4,412,835	11/1983	Spencer			
	5,507,904	4/1996	Fisher et al.			
	5,591,337	01/1997	Lynn et al.			
	4,035,304	7/1977	Watanabe			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	EP 0 654 303 A1	1995	EP			
	EP 0 521 222 A1	1993	EP			
	EP 0 525 493 A1	1993	EP			
	WO95/07818	9/7/94	PCT			

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